

# HOUSE BILL No. 1328

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 32-28-15.

**Synopsis:** Liens on real property. Provides that if: (1) a person intends to acquire a lien on real property after June 30, 2015; and (2) there is no requirement under any other state law that the person or another person must notify the owner of the real property of the person's intention to acquire the lien; the person who wishes to acquire the lien must file a sworn statement and notice of the person's intention to acquire the lien in the county recorder's office of the county in which the real property is located. Requires the county recorder to: (1) record a copy of the statement and notice of intention in the appropriate record book of the county recorder's office; (2) send by first class mail a copy of the statement and notice of intention to the owner of the real property; and (3) collect a fee of \$2 from the person who filed the statement and notice of intention for each statement and notice of intention that is sent by first class mail.

**Effective:** July 1, 2015.

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January 13, 2015, read first time and referred to Committee on Judiciary.

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First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1328

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A BILL FOR AN ACT to amend the Indiana Code concerning property.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 32-28-15 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2015]:  
4 **Chapter 15. Notice of Intention to Acquire a Lien on Real**  
5 **Property**  
6 **Sec. 1. This chapter applies only if:**  
7 **(1) a person intends to acquire a lien on real property after**  
8 **June 30, 2015; and**  
9 **(2) there is no requirement under:**  
10 **(A) any other provision of the Indiana Code; or**  
11 **(B) the common law of Indiana;**  
12 **that the person or another person must notify the owner of**  
13 **the real property of the person's intention to acquire a lien on**  
14 **the real property.**  
15 **Sec. 2. Before a lien attaches to real property, the person who**



wishes to acquire the lien on the real property must file a sworn statement and notice of the person's intention to acquire the lien on the real property:

- (1) in the county recorder's office of the county in which the real property is located; and
- (2) in duplicate.

**Sec. 3. (a)** A statement and notice of intention filed by a person under section 2 of this chapter must include the following:

- (1) The name and address of the person.
- (2) The:
  - (A) name; and
  - (B) latest address as shown on the property tax records of the county; of the owner of the real property.
- (3) The:
  - (A) legal description; and
  - (B) street and number, if any; of the real property.

(b) For purposes of subsection (a), the name of the owner and legal description of the real property are sufficient if they are substantially as set forth in the latest entry in:

- (1) the transfer books described in IC 6-1.1-5-4 of the county auditor; or
- (2) if IC 6-1.1-5-9 applies, the transfer books of:
  - (A) the township assessor, if any; or
  - (B) the county assessor;

at the time of filing of the statement and notice of intention to acquire a lien.

**Sec. 4.** The county recorder shall do the following:

- (1) Record one (1) of the duplicates of the statement and notice of intention filed under section 2 of this chapter in the appropriate record book of the county recorder's office.
- (2) Send by first class mail one (1) of the duplicates of the statement and notice of intention filed under section 2 of this chapter:
  - (A) to the owner of the real property named in the statement and notice of intention; and
  - (B) not later than three (3) business days after the statement and notice of intention is filed under section 2 of this chapter.
- (3) Collect a fee of two dollars (\$2) from the person who filed the statement and notice of intention under section 2 of this



- 1 chapter for each statement and notice of intention that is sent
- 2 by first class mail under subdivision (2).

